

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8501 of 2005

Between:

Sri Venkat Rao Sawrikar, S/o. Sri Ranga Rao Sawrikar,
R/o. Nampally Station Road, Hyderabad.

... PETITIONER

AND

- 1 The State of Andhra Pradesh, Rep. by the Collector,
Hyderabad.
- 2 The Mandal Revenue Officer, Amberpet Mandal,
Amberpet, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ order or Direction in the nature of Mandamus or otherwise declaring that the impugned notice of the Second respondent bearing No. D/293/2004 dated 7-4-2005 is wholly illegal, without jurisdiction and ultra vires the powers of the respondents under the A.P. Land Encroachment Act and consequently declare the same as unenforceable.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioner was served with a notice dated 07-04-2005 issued by the second respondent-Mandal Revenue Officer under Section 7 of the A.P. Land Encroachment, Act III of 1905 (for short 'the Act') alleging that he has been in unauthorized occupation of the land specified in the schedule to the said notice and calling upon him to explain as to why he should not be evicted from the said land.

The petitioner states that he has already submitted his explanation in response to the said show cause notice. However, he alleges that even before any final order is passed on the basis of the explanation offered by him, the respondents are taking steps to dispossess him high-handedly from the land in question. Hence, this writ petition.

Having heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for the respondents, the writ petition is disposed of leaving it open to the respondents to pass appropriate orders, after considering the explanation offered by the petitioner. Till such orders are passed under Section 6 of the Act and the same is communicated to the petitioner, the respondents shall not evict the petitioner from the land

in question.

The Writ Petition is accordingly disposed. No order as to costs.

G. ROHINI, J

Dated: 15-04-2005

LSK

To

- 1 The Collector, Hyderabad, State of Andhra Pradesh,
- 2 The Mandal Revenue Officer, Amberpet Mandal,
Amberpet, Hyderabad.
- 3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad. (OUT)
- 4 Two C.D. copies.